

## Executive Summary

In the matter of *Cobell v. Babbitt*, the United States District Court for the District of Columbia ordered the Department of the Interior to correct four breaches of statutory trust duties contained in the *American Indian Trust Fund Management Reform Act of 1994*. This report focuses on the Department's actions to address the second breach cited in the Court's order, holding that the Department of the Interior must establish policies and procedures for the retention of Individual Indian Money (IIM) related trust documents necessary to render an accurate accounting of the IIM trust.

The plan required by the Court for the establishment of written policies and procedures is an integral part of the Trust Management Improvement Project. The Records Management subproject of the High Level Implementation Plan (HLIP) has been substantially modified and updated in the February 2000 revision. While that plan is implemented, no trust records are to be destroyed based upon existing records schedules. **All records necessary to do an accurate accounting must be retained at least until that accounting is accomplished.**

The inadequacies of Indian trust records have been well documented and are among the primary obstacles to improving the Indian trust management program and complying with the *Trust Management Reform Act*. This plan and associated documents address the insufficiency of existing written policies and procedures. In May 1999, the Assistant Secretary – Policy,

Management and Budget, approved the establishment of an Indian Affairs Records Management program (IARM) charged with developing and implementing uniform and authoritative records management policies, guidance, and training for BIA and OST.

At its core, the proper retention of Federal records has three elements:

- Record Keeping Requirements: creating and maintaining those records necessary to render an accurate accounting to plaintiffs of their IIM trust money;
- Records Retention Schedules: an analysis to determine the specific purpose for each trust record series, its relation to other trust records, and approval for a retention period from the Archivist of the United States;
- Safeguarding: specifying official file locations for records and prohibiting the maintenance of records at unauthorized locations.

The Records Management subproject of the revised High Level Implementation Plan of February 2000 addresses not only the essentials of records retention to ensure that records are maintained for the required period of time, but also establishes an active, continuing program to see that the necessary records are created and maintained and that the records are safeguarded throughout their life-cycle.

## Introduction

In the matter of *Cobell v. Babbitt*, the United States District Court for the District of Columbia ordered the Department of the Interior to correct four breaches of statutory trust duties contained in the *American Indian Trust Fund Management Reform Act of 1994*. This report focuses on the Department's actions to address the second breach cited in the Court's order, holding that the Department of the Interior must establish policies and procedures for the retention of Individual Indian Money (IIM) related trust documents necessary to render an accurate accounting of the IIM trust.

The plan required by the Court for the establishment of written policies and procedures for the retention of IIM-related trust documents necessary to render an accurate accounting is an integral part of the Trust Management Improvement Project. The Records Management subproject of the revised High Level Implementation Plan (HLIP) of February 2000 expands and clarifies the recommendations set forth in the January 1999 "Draft Report on Trust Records Management." The HLIP's Records Management subproject has been substantially modified and updated and is incorporated in this plan by reference. A copy is included as Appendix 1.

The inadequacies of Indian trust records have been well documented in Congressional reports, legal documents and testimony, the Special Trustee's Strategic Plan, various audits and oversight reports, including those of the National Archives and Records Administration (NARA), and in the media. Among the primary obstacles to improving

the Indian trust management program and complying with the *American Indian Trust Management Reform Act of 1994* are the poor records and record keeping of the Bureau of Indian Affairs.

This plan and associated documents address this shortfall by strengthening the existing records management program. The primary elements to a records disposition program are:

- Issuing a program directive assigning authorities and responsibilities for records disposition activities in the agency, and keeping that directive up to date.
- Developing, implementing, and updating a comprehensive records schedule.
- Training all those taking part in the agency's records disposition activities.
- Publicizing the program to make all agency employees aware of their records disposition responsibilities.
- Evaluating the results of the program to ensure adequacy, effectiveness, and efficiency.

## Scope

The scope of this plan is to retain IIM-related trust documents necessary to render an accurate accounting. The written policies and procedures will be in alignment with existing trust records policies and procedures, including Federal statutes and regulations related to records and records management, NARA regulations and guidance, Department of the Interior

directives, BIA and OST policies and procedures on records management and other

### **Objective**

The objective is to write policies and procedures for the retention of IIM-related trust documents necessary to render an accurate accounting.

In pursuit of that objective, this effort will be guided by the principles outlined in the Federal Records Act, which states, *inter alia*,:

*The head of each Federal agency shall make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.*<sup>1</sup>

The Act further requires that:

*The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. The program, among other things, shall provide for —*

- (1) effective controls over the creation and over the maintenance and use of records in the conduct of current business;*
- (2) cooperation with the Administrator of General Services and the Archivist in applying standards, procedures, and*

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<sup>1</sup>44 U.S.C. § 3101. Records management by agency heads; general duties.

publications related specifically to IIM records.

*techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and*

- (3) compliance with sections 2101-2117, 2501-2507, 2901-2909, and 3101-3107, of this title and the regulations issued under them.*<sup>2</sup>

Additionally, the Federal Records Act requires that:

*The head of each Federal agency shall establish safeguards against the removal or loss of records he determines to be necessary and required by regulations of the Archivist.*

*Safeguards shall include making it known to officials and employees of the agency -*

- (1) that records in the custody of the agency are not to be alienated or destroyed except in accordance with sections 3301-3314 of this title, and*

- (2) the penalties provided by law for the unlawful removal or destruction of records.*<sup>3</sup>

### **Existing Policies and Procedures**

The Department of the Interior already has a number of existing written policies and procedures applicable to trust records retention in compliance with the Federal Records Act (see Appendix 2).

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<sup>2</sup>44 U.S.C § 3102. Establishment of program of management.

<sup>3</sup>44 U.S.C § 3105. Safeguards.

### Federal Laws Relating to Records Management

The Secretary of the Interior is responsible for establishing and maintaining an active,

### 36 Code of Federal Regulations

The Secretary of the Interior is responsible for implementing regulations issued by the NARA in 36 CFR, Subpart B (Records Management).

### NARA Publications Relating to Records Management

The Department of the Interior uses the NARA *Agency Record Keeping Requirements, Disposition of Federal Records*, and *Vital Records and Records Disaster Mitigation and Recovery* publications for guidance in establishing and implementing records management related procedures.

### Department of the Interior – Departmental Manual

The Department of the Interior has issued policy to properly identify its record keeping requirements and maintain the records throughout their life cycle. The Department complies with OMB circulars, Code of Federal Regulations, Departmental Manual and other Federal laws and/or directives by implementing and keeping current BIAM 16, particularly Chapters 1,2,3, and 6, namely: Records Management Program and Responsibilities; Adequacy of Documentation; Files Management; and Vital Records Program for all its Indian trust records.

### Bureau of Indian Affairs Policies and Procedures Relating to Trust/IIM Records

The BIA has established policies and

continuing program for the economical and efficient management of Departmental records (44 U.S.C. Chapter 31).

procedures pertinent to trust and IIM records which facilitate the proper management, accounting, investment, audit and reporting to tribal and individual Indian account holders of their trust assets (BIAM Part 16, Records and Files Disposition Handbook, BIAM Part 42, Financial Management: Sup. 3; 3.10 - Individual Indian Money, and BIAM Part 52, Real Estate Appraisal).

### Trust Funds Management Policies and Procedures Relating to IIM Records

The Office of Trust Funds Management (OTFM) trust record keeping policies and procedures build upon those initially established by the BIA and include new documentation and retention requirements for all transactions associated with IIM accounts to ensure that an accurate accounting may be made to individual account holders.

### Miscellaneous Freeze Memos on BIA Records

The Department and the Bureau of Indian Affairs have issued a number of freeze memoranda to identify and preserve trust funds related records.

### Bureau of Reclamation Information Management Handbook Relating to Trust Records

The Reclamation handbook contains Indian trust water rights related records management and retention procedures subject to Indian trust records regulations,

policies and procedures.

Trust records life cycle management is contained within the BLM Manual, Section 1220 – Records and Information Management and its GRS/BLM Combined Records Schedule. The Indian trust records pertain to allotment applications, patents, subsurface leasing and compliance for Indian owned oil/gas/solid minerals and as such are also subject to all Indian trust records regulations, policies and procedures.

#### Mineral Management Service Manual Relating to Trust Records

Records described in this handbook specifically document data necessary to account for Indian land royalty, production, automated systems input and output, exceptions, statistics and rental funds are subject to the Indian trust records policy.

#### **Responsibility**

The following organizations and groups are responsible for completing this plan:

#### The Indian Affairs Records Management Program (IARM)

On May 19, 1999, the Assistant Secretary – Policy, Management and Budget, approved the establishment of an Indian Affairs Records Management program (IARM). The program is charged with developing and implementing uniform and authoritative records management policies, guidance, and training for BIA and OST. The program is based on the Trust Management Improvement Project High Level Implementation Plan of July 1998 and the recommendations made by Ken Rossman in his January 1999 “Draft Report on Trust

#### Bureau of Land Management (BLM) Manual

Records Management” with some amendments.

The IARM approach is to address chronic deficiencies in a systematic manner while, at the same time, taking steps to identify, and respond to, the types of circumstances where immediate rather than systematic attention is necessary.

The mission of the IARM is to establish and maintain an active, continuing records management program for BIA and OST:

- For the economical and efficient management of records, to include: planning, controlling, directing, organizing, training, promoting, and other activities involved in records creation, maintenance and use, and disposition;
- That ensures adequate and proper documentation of the policies and transactions of BIA and OST and effective and economical management of agency operations; and
- That is responsive to records creators and directed toward the entire information life-cycle—creation, maintenance and use, and disposition.

#### The Office of Trust Litigation Support and Records

The Office of Trust Litigation Support and Records (OTLSR), located in Albuquerque, New Mexico, is within the Office of the Special Trustee for American Indians (OST) and is supervised by a Director who reports to the Principal Deputy Special Trustee.\_

The office was established by the Secretary under the authority of the *American Indian Trust Fund Management Reform Act of*

The mission of the office is to develop and implement improved policies, programs, systems, and services to support: (1) the Department of the Interior's (DOI) Indian trust litigation and settlement effort; and (2) reform of the Department-wide Indian Records Management programs for related bureaus, Indian Tribes, and individual Indians. Specific responsibilities include accounting, reconciliation, research, settlement, and litigation support related to the management of Indian trust assets, including document production and records management for all Interior bureaus and offices. The mission is performed in accordance with trust principles enumerated in the Act, and the unique requirements of the Secretary's trust responsibility to Indian Tribes and individual Indians.

## **Action Plan**

At its core, the *proper retention* of Federal records has three elements:

- Record Keeping Requirements
- Records Retention Schedules
- Safeguarding

Each is described in detail below. Some of the text has been extracted from National Archives and Records Administration regulations and guidance.

## **Record Keeping Requirements**

Record keeping requirements means all statements in statutes, regulations, and agency directives or authoritative issuances

1994, Pub. L. 103-412, (25 U.S.C. 4001 et. seq.).

that provide general and specific requirements for Federal agency personnel on particular records to be created and maintained by the agency. In the present case, this covers those records necessary to render an accurate accounting to plaintiffs of their IIM trust money and begins with the decision on what are records.

## **Records Retention Schedules**

A records schedule, or disposition schedule, or records control schedule, or records retention schedule means: (a) Standard Form (SF) 115, Request for Records Disposition Authority, that has been approved by NARA to authorize the disposition of Federal records; (b) a General Records Schedule (GRS) issued by NARA; or (c) a printed agency manual or directive containing the records descriptions and disposition instructions approved by NARA on one or more SF 115s or issued by NARA in the GRS.

The process for obtaining approval for records retention schedules is found in 44 U.S.C. Chapter 33 and in 36 Code of Federal Regulations, Subchapter B - Records Management, Part 1228. The procedures prescribed by 44 U.S.C. Chapter 33 are exclusive, and records of the United States Government may not be alienated or destroyed except under that chapter.

Appendix 2 provides a partial list of trust policies and procedures outlined in Federal statutes and regulations, departmental memoranda, etc., relating to document

retention. No trust records, however, may be destroyed based upon existing records schedules and no records can be destroyed during the current litigation. **All records necessary to do an accurate accounting must be retained at least until that accounting is accomplished.** Each existing Records schedules are best prepared by inventorying records in the working environment and discussing their uses and retention needs with managers, program officers, and administrative staff, all of whom have useful perspectives on the value of the records and the business requirements for them. In addition, this approach provides records managers with a valuable opportunity to interact and train records users. For reference, see the Records Management subproject of the HLIP, which addresses this topic in Section DD, “Complete Submission of Records Control Schedules to NARA.”

In accordance with NARA regulations, IARM will (1) prepare an inventory of the records including a description of their medium, location, volume, inclusive dates, informational content and use; (2) evaluate the period of time the agency needs each records series or system by reference to its uses and value to agency operations or legal obligations; and (3) formulate specific recommended disposition instructions for each records series or each part of an automated information system (see 36 CFR §1228.22).

IARM intends to prepare an analysis to determine the specific purpose for each record series: why it is created; how it is used; what it is needed for; how long it is

records schedule must be re-evaluated in light of the Trust Reform Act, litigation, and program changes. Many new series of records and one whole agency, the Office of the Special Trustee, have been created since passage of the Trust Reform Act.

needed in the particular office environment; what is its purpose; are there external considerations, legal values, fiscal values, administrative values, above and beyond the creating offices; what is the historical community interest in this particular context, are the tribes interested in these records; and what are all the variables that come into play.

One method of analyzing the specific purposes of a records series to develop new records schedules is to organize a working group of government organizations with similar records to ensure schedules are comprehensive and consistent. To illustrate, in February IARM managers and staff met with program and records officials of the Department of Treasury's Bureau of Public Debt (BPD) and Financial Management Service (FMS), along with program managers from the OST Office of Trust Funds Management, and a senior manager and lead appraisal archivist from the Modern Records Programs Life Cycle Management Division of NARA. The group reviewed the financial transaction flows in the three agencies (BPD, FMS, and OTFM) to identify documents and records and to discuss similar documents. A core review group is being established to review records retention across agency lines to verify consistency and eliminate redundancy, and to see that the Government's trust financial obligation

records are addressed comprehensively.

As a result of this and other meetings, NARA has agreed to work closely with both Treasury and Interior to help expedite the preparation and review of trust records schedules when submitted. NARA has also garnered new awareness of the significance. In preparing records schedules, IARM must ensure that every information system is analyzed and described as a whole, especially when electronic records are involved. Each of the parts of the system will be described and scheduled; e.g., input documents, master data files, output, queries, indices, and system documentation. Further, data in existing systems, e.g., LRIS and IRMS, cannot be deleted or ignored. It must be migrated in full to the new system, i.e., TAAMS, or scheduled for disposition separately including possible transfer to the National Archives.

For all records series, the schedule will include the title, description (including information content and physical type specific privacy act citation if applicable and disposition instructions). In addition, for records proposed for permanent retention, the schedule will include inclusive dates; the arrangement of the records; and the volume, both current and projected (see 36 CFR § 1228). The descriptive data required to schedule electronic systems, e.g., TFAS and TAAMS, is even more extensive. Further, while permanent paper records may be held by the agency for up to 30 years, permanent electronic records are to be transferred directly to the National Archives as soon as they are inactive, not to a records center. Permanent electronic records must be

and complexities of the trust management system. The IARM has initiated a project to document transaction flows in OTFM as an essential part of developing records retention requirements for that part of trust management.

transferred to the Archives according to 36 CFR § 1228.188. The schedule should acknowledge the accelerated transfer timing and appropriate transfer language.

Records schedules are best approached in manageable segments. One of the most serious problems BIA has had with its records schedules is the decision to manage them as one comprehensive submission every 10 years. To facilitate approval, IARM will submit records schedules to NARA in segments as soon as completed and internally approved. For the immediate future, while comprehensive approval is needed (due to the establishment of OST and the long overdue revision by BIA), this could mean by chapter; for example, Trust, Finance, Facilities Management, Forestry, etc.

Longer term, however, even smaller submissions will be appropriate. Records are a dynamic element in every program. Accordingly, records control schedules will undergo constant revision so that the disposition can accurately represent the use and organization of the records. A statutory change for example, can require a records retention revision for a records series. This will be handled by a separate request to NARA for disposition authority. This is not to say that single items cannot be consolidated, only that the effort be timely



and flexible.

### **Safeguarding**

BIA and OST will specify official file locations for records in all media and prohibit the maintenance of records at unauthorized locations. IARM will review the BIA and OST records maintenance programs to determine their adequacy; audit a representative sample of their paper, audiovisual, electronic, cartographic, and architectural files for duplication, misclassification, or misfiles; and maintain Interior is required to follow regulations issued by the Archivist of the United States governing the methods of destroying records authorized for disposal (44 U.S.C. 3302). These regulations, found at 36 CFR § 1228.58, Destruction of Temporary Records, require that when records are restricted because they are exempted from disclosure by statute, including the Privacy Act, or regulation, the wastepaper contractor must be required to pulp, macerate, shred, or otherwise definitively destroy the information contained in the records, and their destruction must be witnessed under the authority of the agency that created the record.

IARM will prepare appropriate procedures for BIA and OST on the proper disposal of records whose authorized retention period has expired.

### **Records Management Subproject of the HLIP**

Interior has not adequately provided for maintenance of its trust-related records, not so much simply by an absence of written retention schedules— it has had them— but by

microform, audiovisual, and electronic records in accordance with 36 CFR § 1230, 1232, and 1234, respectively.

BIA and OST must ensure that (1) records in their legal custody sent for off-site storage are maintained in facilities that meet the standards specified in 36 CFR § 1228, subpart K.; and (2) that they remove their records from any records storage facility that does not correct nonconformance with those standards.

not making certain the records schedules were comprehensive, up to date, and addressed trust requirements. Further, Interior has failed to address how well the schedules are implemented and how well the records are safeguarded.

Accordingly, the remedy is not simply the development and approval of new or better records retention schedules. Rather it is creation of an active, continuing records management program to see that the necessary records are created and maintained, that records retention needs are met through authorized schedules, and that the records are safeguarded throughout their life-cycle.

The desire to create such a program has guided the extensive revision of the Records Management subproject section (chapter 8) of the revised High Level Implementation Plan February 29, 2000. It addresses the essentials of records retention to ensure that a document is maintained in the correct manner for the required period of time. This process starts with what should be retained as records and continues through all aspects

of retaining those records including properly safeguarding them. The Records Management subproject of the HLIP is presented in its entirety in Appendix 1. The components (responsibility, schedule, and status) are identified below for each task and the tasks are grouped according to type of activity: program management, records retention and storage, and electronic records.

### ***Program Management***

#### **A. Establish OST/BIA Working Group to Coordinate Joint Records Solution**

**Responsibility:** Records Management Working Group

**Completion Date:** February 11, 1998

**Responsibility:** BIA and OST

**Completion Date:** June 9, 1998

**Status:** Complete

#### **H. Develop an Agreed-Upon Approach to Indian Trust Records Management**

**Responsibility:** Assistant Secretary–Policy, Management and Budget; Assistant Secretary–Indian Affairs; and Acting Special Trustee for American Indians

**Completion Date:** May 19, 1999

**Status:** Complete

#### **K. Hire Records Management Specialists**

**Responsibility:** IARM

**Completion Date:** January 2000

**Status:** Complete

#### **R. Establish Advisory Committee on Records**

**Responsibility:** Records Management Steering Committee

**Completion Date:** August 2000

**Status:** Complete

#### **B. Transfer Responsibility for Trust Financial Records from BIA to OST**

**Responsibility:** Records Management Working Group

**Completion Date:** March 5, 1998

**Status:** Complete

#### **C. Develop Joint Procedures for Records Access**

**Responsibility:** BIA and OST

**Completion Date:** June 9, 1998

**Status:** Complete

#### **D. Develop Agreement between OST and BIA on Records Operations**

**Status:** Pending final approval of the proposal by the Records Management Steering Committee.

#### **T. Establish Evaluation Teams and Begin Cyclic Evaluations of Records Programs**

**Responsibility:** IARM

**Completion Date:** Ongoing

**Status:** The reviews are scheduled to commence by April 2000 and continue thereafter on a recurring, systematic basis.

### ***Records Retention And Storage***

#### **G. Initiate Development of Respective Records Control Schedules**

**Responsibility:** IARM

**Completion Date:** Ongoing

**Status:** Initial draft records schedules were developed and submitted to OST and BIA management and the CIO in September 1998. They are under further development by IARM (see Section DD).

**I. Eliminate Existing Disposition**

**Backlog at BIA Locations**

**Responsibility:** IARM

**Completion Date:** May 2002

**Status:** Initiated May 1999

**J. Complete Systematic Centralization of OST Financial Trust Records**

**Responsibility:** OST

**Completion Date:** October 8, 1999

**Status:** Complete

**N. Lift BIA Moratorium on Retiring Records to the Federal Records Centers**

**Responsibility:** IARM

**Completion Date:** March 2000

**Status:** Formal notification expected March 2000.

**O. Resolve Jacket Folder Retention /**

**S. Establish Life Cycle Database**

**(Inventory) for Trust and Other Records**

**Responsibility:** IARM

**Completion Date:** December 2001

**Status:** Database package to be selected by May 2000; data to be completed by December 2001.

**W. Initiate Action to Replace Historical Records with Working Copies**

**Responsibility:** IARM

**Completion Date:** May 2002

**Status:** To begin in April 2000.

**X. Review Trust Records Policies and Procedures with MMS, BLM and OHA and Establish Continuing Dialogue**

**Responsibility:** IARM

**Completion Date:** Ongoing (see Item CC)

**Status:** Initiated in February 2000

**Production Issues with Tribes**

**Responsibility:** OST

**Completion Date:** Ongoing

**Status:** Discussions have taken place, but as yet no resolution has occurred

**P. Analyze Records Storage Requirements**

**Responsibility:** IARM

**Completion Date:** December 2001

**Status:** Initiated in November 1999

**Q. Survey of Trust Records Retention and Safeguarding**

**Responsibility:** BIA Agency

Superintendents, Regional Directors, and IARM

**Completion Date:** December 31, 1999

**Status:** Complete

**Z. Publish Proposed Regulations for Contracted and Compacted Trust Records**

**Responsibility:** Department of the Interior

**Completion Date:** December 2000

**Status:** Ongoing

**BB. Complete Vital Records Plan**

**Responsibility:** IARM

**Completion Date:** April 2001

**Status:** Forthcoming

**DD. Complete Submission of Records Control Schedules to NARA**

**Responsibility:** IARM Program

**Completion Date:** June 30, 2001

**Status:** Ongoing

**GG. Complete Analysis of Records**

**Storage Requirements****Responsibility:** BIA and OST**Completion Date:** December 31, 2001**Status:** Ongoing**HH. Complete Project to Cleanup****Existing Disposition Backlog at BIA****Responsibility:** BIA**Completion Date:** May 2002**Status:** Initiated May 1999***Training*****L. Develop and Issue BIA/OST Records****Manuals, Training Aids and Provide****Technical Assistance****Responsibility:** BIA and OST**Completion Date:** December 2001**Status:** Initiated June 1999. All regions, agencies, and offices will be provided onsite technical assistance by December 2001**M. Train Records Staff and Trust-****E. Prepare Plan for Records Imaging****Technology: Obtain Approval****Responsibility:** OST**Completion Date:** June 30, 1998**Status:** Complete**F. Commence Records Imaging Efforts****Responsibility:** OST**Completion Date:** September 30, 1999**Status:** Complete (see Item Y)**V. Initiate Study of BIA Records Imaging Requirements****Responsibility:** IARM**Completion Date:** None identified yet**Status:** To begin by December 2000**Y. Award New Contract for OST Imaging****Related Program Personnel****Responsibility:** BIA and OST**Completion Date:** Ongoing**Status:** Began January 2000; to include all BIA and OST personnel by December 2001.**U. Initiate Training and Technical****Assistance for Compacted and****Contracted Trust Records****Responsibility:** BIA and OST**Completion Date:** Ongoing**Status:** Began December 1999**CC. Publish Trust Records Instructional****Guide in Conjunction with MMS, BLM****and OHA****Responsibility:** IARM**Completion Date:** December 2000**Status:** Not yet initiated***Electronic Records*****Responsibility:** OST**Completion Date:** July 2000**Status:** Statement of Work being completed for final review and approval**AA. Complete Plan to Comply with****Electronic Records Requirements****Responsibility:** IARM**Completion Date:** March 31, 2001**Status:** To begin March 31, 2000**EE. Establish Pilot Project(s) for****Electronic Record Keeping****Responsibility:** IARM**Completion Date:** Ongoing**Status:** Initiated by December 2000, with one or more additional pilot projects by December 2001

**FF. Complete Analysis of BIA Records**  
**Imaging Requirements**  
**Responsibility: IARM**

**Completion Date:** Ongoing  
**Status:** First study completed by  
December 2000

**APPENDIX 1:  
RECORDS MANAGEMENT SUBPROJECT  
EXTRACT OF  
REVISED AND UPDATED HIGH LEVEL IMPLEMENTATION PLAN  
FEBRUARY 29, 2000  
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## **APPENDIX 2: EXISTING WRITTEN TRUST RECORDS POLICIES AND PROCEDURES**

### **Federal Laws Relating to Records Management**

44 U.S.C. Chapter 29 – Records Management by the Archivist of the United States and by the Administrator of General Services  
44 U.S.C. Chapter 31 – Federal Records Act – Records Management by Federal Agencies  
44 U.S.C. Chapter 33 – Disposal of Records

### **Office of Management and Budget Circulars**

OMB Circular No. A-123 – Management Accountability and Control  
OMB Circular No. A-130 – Management of Federal Information Resources

### **National Archives and Records Administration Regulations (36 CFR)**

Subchapter B – Records Management  
This subchapter contains regulations affecting Federal agencies and their records management programs.  
Part 1234 – Electronic Records Management

### **NARA Publications Relating to Records Management**

- Agency Record Keeping Requirements: Provides guidance on establishing policies and procedures for ensuring complete and accurate documentation of Federal agency activities, with an emphasis on changes brought by office automation. (1995)
- Disposition of Federal Records: Explains how to develop, implement, and evaluate records disposition programs in Federal agencies. Includes the texts of Federal laws and regulations affecting records disposition. (1997 edition)
- Vital Records and Records Disaster Mitigation and Recovery: Provides guidance on how to manage vital records throughout their life cycle, to protect them from loss in a disaster, and to assist in recovery should a disaster occur. (1996)

### **Department of the Interior – Departmental Manual**

Part 380 – Chapter 1: Records Management Program and Responsibilities  
Part 380 – Chapter 2: Adequacy of Documentation  
Part 380 – Chapter 3: Files Management  
Part 380 – Chapter 6: Vital Records Program

### **BIA Policies and Procedures Relating to Trust/IIM Records**

BIAM Part 16 – Records and Files Disposition Handbook  
BIAM Part 42 – Financial Management: Sup.3; 3.10 – Individual Indian Money  
BIAM Part 52 – Real Estate Appraisal  
BIAM Part 53 – Forestry  
BIAM Part 55 – Land Operations  
BIAM Part 66 – Social Services – Welfare (IIM Accounts)

### **Trust Funds Management Policies and Procedures Relating to IIM Records**

POL97-005 – Disposition of Returned or Undeliverable Per Capita Checks

POL98-005 – Disposition of Returned or Undeliverable Per Capita Checks  
POL98-010 – Individual Indian Money (IIM) Account Classifications and Code Standardization for the Existing IIM System  
POL98-012 – Mandatory Documentation Requirements for IIM Account Jacket Folders  
PRO97-003 – Procedures for IIM Change of Address and One-Time Disbursements  
PRO97-006 – Prior Period Adjustments

#### **Miscellaneous “Freeze Memos on BIA Records”**

11/14/96 (Deputy Commissioner of Indian Affairs)

Freeze Letter to Assistant Archivist for Federal Records Center

11/26/96 (Deputy Commissioner of Indian Affairs)

Freeze Letter to Assistant Archivist for Federal Records Center

12/12/96 (Richard Claypoole, Assistant Archivist for FRCs to Center Directors)

Expansion of ITA Freeze

05/99 (Assistant Secretary-IA; Special Trustee)

Destruction of trust records is prohibited

06/99 (Deputy Commissioner IA; Special Trustee)

Joint directive-IIM trust records be located and protected; “none of the above records [be] destroyed or discarded for any reason... even if they are typically subject to period disposal.”

06/02/99 (Chief of Staff, DOI)

Department-wide freeze on destruction of documents related to Indian trust funds management and administration of IIM accounts.

06/17/99 (Deputy Solicitor, DOI)

All documents (including e-mails) related to the management of trust funds and IIM accounts to be preserved.

#### **Bureau of Reclamation Information Management Handbook Relating to Trust Records**

PRJ-28.00 – Native American Projects

WTR-4.13 – Native American Water Rights

WTR-4.14 – Native American Indian Trust and Land

#### **Bureau of Land Management Manual — Trust Records**

BLM Part 1273 Chapter 3 — Vital Records Program

BLM Part 1220 Chapter 2 — Records and Information Management

BLM/GRS Combined Records Schedule

#### **Mineral Management Service Index to Case Filing Records Disposition Schedule**

MMSM 380.2-H – Chapter 6-4 Indian Land Records

MMSM 380.2-H – Chapter 7-3 Disposition Authority

MMSM 380.2-H – Chapter 18 Royalty Management Records C-117

Section 1 – Accounting Operations Records C-118

Section 2 – Compliance Records C-130

Section 3 – Royalty Valuation Records C-131